



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

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**FEB 19 2008**

**OFFICE OF PETITIONS**

|                                 |   |                       |
|---------------------------------|---|-----------------------|
| In re Application of            | : |                       |
| Tze-Liang Ying et al.           | : | DECISION ON PETITION  |
| Application No. 09/247,974      | : | PURSUANT TO 37 C.F.R. |
| Filed: February 11, 1999        | : | § 1.181(A)            |
| Attorney Docket No. 252016-2310 | : |                       |
| Title: KEY-HOLE FREE PROCESS    | : |                       |
| FOR HIGH ASPECT RATIO GAP       | : |                       |
| FILLING WITH REENTRANT SPACER   | : |                       |

This is a decision on the petition pursuant to 37 C.F.R.  
§ 1.181(a), to withdraw the holding of abandonment, filed on May  
25, 2007.

The Revocation of Power of Attorney and Change of Correspondence  
Address filed on December 6, 2004 has been entered and made of  
record.

The above-identified application became abandoned for failure to  
reply within the meaning of 37 C.F.R § 1.113 in a timely manner  
to the final Office action mailed May 16, 2000, which set a  
shortened statutory period for reply of three months. An after-  
final amendment was received on November 6, 2000 along with a  
postcard receipt that evinces that this submission was  
originally presented to the Office on June 27, 2000. An  
advisory action was mailed on November 13, 2000. No extensions  
of time under the provisions of 37 C.F.R § 1.136(a) were  
obtained, and no further responses were received. Accordingly,  
the above-identified application became abandoned on August 17,  
2000. A notice of abandonment was mailed on January 26, 2001.

With the present petition, Petitioner has alleged that the  
notice of abandonment was not received and that a Request for

Continued Examination (RCE) was submitted on November 28, 2000, and has submitted a copy of the docket report.

The electronic file has been reviewed, and it is clear that an RCE was submitted on November 28, 2000.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the notice of abandonment was not received.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

The fees associated with the filing of an RCE and a three-month extension of time (so as to make timely the submission of the RCE) have been charged to Petitioner's Deposit Account<sup>1</sup>.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment filed on November 6, 2000 - can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>2</sup>. All other inquiries concerning the status of the application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> It is noted that the RCE contained an authorization to charge any required fees to a Deposit Account. It is further noted that although Applicant was under the impression that an extension of time was not required, this belief was not correct.

<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.